

ORDINANCE 2015-16

ORDINANCE AMENDING CHAPTER III, ADDING SECTION 3-12.1 ET SEQ REGARDING CERTAIN REGULATIONS OF DRONE TECHNOLOGY AND UNMANNED AIRCRAFT FOR THE TOWNSHIP OF CHATHAM

WHEREAS, the Township of Chatham deems it appropriate, necessary, and proper for the good government, order, the protection of persons and property, and for the preservation of the public health, welfare, and safety of its inhabitants to adopt certain regulations pertaining to the use of drone technology and unmanned aircraft in the Township; and

WHEREAS, drone technology includes “drones,” which are unmanned aircraft that can fly under the control of a remote pilot or via a geographic positions system guided autopilot mode, can fly at altitudes below the navigable airspace (generally 400’), and are equipped with surveillance technologies (e.g., high definition cameras, night vision cameras, and infrared-see-through scopes); and

WHEREAS, as a result of its declining cost, drone technology and unmanned aircraft have become increasingly available to private citizens for personal, recreational, and other potential uses; and

WHEREAS, drones and unmanned aircraft can be used to fly above residences, in the backyard of residences, to hover outside residences, and to fly above roads and through traffic in a manner that is inherently dangerous to the public health, welfare, and safety; and

WHEREAS, the federal government and the State of New Jersey have not adopted specific and comprehensive restrictions on the use of drone technology, the federal government has only issued general guidelines regarding restrictions on the use of the type of unmanned aircraft designated as “model aircraft,” and the Federal Aviation Administration (“FAA”) is presently scheduled to adopt drone technology regulations in fall 2015, and, therefore, at this time there are no meaningful regulations protecting the public, health, and welfare from drone technology and unmanned aircraft particular to and specific to the needs of Township.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that:

STATEMENT OF PURPOSE

The purpose of this Ordinance is to amend Chapter III, by adding certain and specific regulations of drone technology and unmanned aircraft in Township to protect the public health, welfare, and safety.

Chapter III. DRONE AND UNMANNED AIRCRAFT REGULATIONS

Article II

Drones and Unmanned Aircraft

3-12.1. Definitions

“Data collection” means the acquisition of information by use of one or more sensing devices.

“Drone” means an unmanned aircraft that can fly under the control of a remote pilot or by a geographic positions system (“GPS”) guided autopilot mechanism, and that is equipped with any sensing device or capable of any data collection.

“Sensing device” means a device capable of acquiring data from its surroundings. Sensing devices include, but are not limited to, cameras, microphones, thermal detectors, chemical detectors, radiation gauges, and wireless receivers in any frequency (including cellular, WiFi, or other data frequencies).

“Unmanned aircraft” means an unmanned vehicle or device of any size that is capable of remote-control flight by any means and that does not possess any sensing device and is not capable of any data collection.

3-12.2. Regulations

- A. Except as otherwise provided in §12.3, drones are prohibited from flying in any airspace below 400 feet within Township.
- B. Except as otherwise provided in §12.3, unmanned aircraft are prohibited from flying in any airspace below 400 feet within Township in:
 - 1. the airspace over any residential or commercial zoned area in Township;
 - 2. the airspace over any roads within Township; and
 - 3. the airspace over any government or public buildings, property, or parks within Township.

3-12.3. Exceptions

- A. This Chapter shall not prohibit the constitutional use of drones and unmanned aircraft by any law enforcement agency or emergency services organization of or servicing the Township, the State of New Jersey, or the United States of America for lawful purposes and in a lawful manner.
- B. This Chapter shall not prohibit any federal, state, county or municipal agency from the use of drones and unmanned aircraft for any lawful and authorized purpose pursuant to applicable regulation.
- C. This Chapter shall not prohibit individuals and entities from the use of drones during daylight hours for business purposes in the airspace within the boundary lines of private commercial or residential property with the property owner’s consent, except that data collection shall be limited to data collection of and relating to the properties that provide consent thereto alone.
- D. Notwithstanding the provisions of this Chapter, the authorized and lawful operation and use of drones for commercial, business, educational, scientific, research, environmental, and personal purposes pursuant to and in accordance with specific FAA regulations, if any.
- E. This Chapter shall not prohibit the use of unmanned aircraft by:

1. any federal, state, county or municipal agency, including, but not limited to, law enforcement and emergency services agencies, for lawful purposes and in a lawful manner; or
2. an owner of private property in Township in the airspace within the boundary lines of that property or in the airspace within the boundary lines of private property in Township with that property owner's consent.

Article III
General Provisions

3-12.4. Violations and penalties.

A violation of this Chapter shall be punishable as provided in Chapter I, General Provisions, Article 1-5, General Penalty.

3-12.5. Repealer.

All ordinances, or parts of ordinances, inconsistent with this Chapter are hereby repealed to the extent of such inconsistency.

3-12.6. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

3-12.7. Effective date.

This Ordinance shall take effect after final passage, adoption and publication according to law.

Introduced: August 13, 2015

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk